

REMARKS/ARGUMENTS

Prior to entry of this amendment, claims 20-38 were pending in this application. Claims 20, 21, 36, and 37 have been amended, claims 39-42 have been added, and no claims have been canceled herein. Therefore, claims 20-42 remain pending. Applicant respectfully requests reconsideration of these claims for at least the reasons presented below.

35 U.S.C. § 103 Rejection, Jones in view of Colin and Henckel

Claims 20, 23-24, and 30-36 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Pub. No. 2004/0053661 of Jones et al. (hereinafter "Jones") in view of U.S. Patent Pub. No. 2002/0119813 of Colin et al. (hereinafter "Colin") and U.S. Patent No. 5,463,725 to Henckel et al. (hereinafter "Henckel"). The Applicants respectfully submit that the Office Action does not establish a *prima facie* case of obviousness in rejecting these claims, as amended. Therefore, the Applicants request reconsideration and withdrawal of the rejection.

In order to establish a *prima facie* case of obviousness, all claimed limitations must first be taught or suggested by the prior art. *See, e.g., DyStar Textilfarben GmbH & Co. Deutschland KG v. C.H. Patrick Co.*, 464 F.3d 1356, 1360 (Fed. Cir. 2006). The Office Action must then provide an explicit analysis supporting the rejection. *See KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) ("a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art"). While the Office Action can use one of several exemplary rationales from the MPEP to support an obviousness rejection under *KSR*, all the rationales still require the Office Action to demonstrate that all the claim elements are shown in the prior art. *See* MPEP §2143. As will be discussed below, the references cited by the Office Action do not teach or suggest each claimed limitation.

Jones is directed to “a wagering gaming device which enables a player to affect the movement of a functional element of a game during game play.” (paragraph 6) However, as noted in the Office Action, Jones does not teach or suggest “manipulating cards in the facedown position.” (Office Action page 4) Further, the Applicants note that there is only cursory mention of a set of cards among the examples of a functional game element at paragraph 37 of Jones. Therefore, the Applicants respectfully contend that there is no enabling description of manipulation of cards. Further, as described at paragraph 38, Jones is directed to moving game elements by calculating speed and final position of the game elements. For example, see paragraph 47 of Jones describing a mechanical wheel moved according to touch screen coordinates.

Therefore, the Applicants maintain that, to any extent Jones can be read as describing graphical manipulation of cards, there is no teaching or suggestion of flipping over cards. In addition, Jones does not teach or suggest other recited claim elements such as partially revealing each playing card from a face down representation such that a portion of an underside of the playing card is a face down representation is revealed in an advancing manner corresponding to an advancement of the continuous touch movements as recited, for example, in independent claims 20.

Colin is directed to “a one player video game of chance.” (Abstract) Under Colin cards selected by a user are turned over to show the face value of the cards. (See paragraphs 32 and 33) Selection of the cards is described in paragraphs 19, 32, and 34 of Colin in which selection of the cards is made by touching a touch-sensitive display screen. However, the Applicants respectfully submit that Colin does not teach or suggest a continuous touching movement. Rather, Colin teaches a touch or tap on a card to select the card and the card is turned over to fully show the face area of the card to the user. That is, Colin does not teach or suggest that the user can “drag” or move the cards by touch movements.

In addition, Colin does not teach or suggest partially revealing each playing card from a face down representation such that a portion of an underside of the playing card in a face down representation is revealed in an advancing manner corresponding to an advancement of the continuous touch movements as recited, for example, in independent claim 20. Rather, as noted above, Colin teaches a touch or tap on a card to select the card and the card is turned over to fully show the face area of the card to the user.

Henckel is directed to providing an interface to show a graphical depiction of a page turning for printed reading material. (See for example col. 1, lines 42-46 and col. 6, lines 56-67) The Office Action cites col. 5, lines 5-24 of Henckel in support of the contention that the interface of Henckel “is usable in an intuitive manner by an unknowledgeable user for books and magazines as well as games. However, the cited portion of Henckel merely mentions that alternative input techniques (such as used in video games) can be used in Henckel. For example, a glove containing sensors of a mouse or a pointer can be used instead of the touch screen to start an animation of a page of a book being flipped. The Applicants respectfully submit that this portion of Henckel does not teach or suggest that Henckel is suitable for use in games. Rather, this portion seems to teach using the input devices and methods commonly used in games as an input to the interface of Henckle. Therefore, the Applicants respectfully contend that there is no teaching or suggestion that Henckel can be adapted for games etc.

Furthermore, Henckel does not teach or suggest partially revealing a playing card from a face down position. For example, at col. 2, lines 58-66 of Henckel, it is described that as a user swipes his hand, an underlying page is uncovered. At col. 3, lines 8-12 of Henckel, it is described that if the user stops the swipe with the finger on the touch screen, the page remains in the position shown in Fig. 2 of Henckel. Referring to this figure, it is clear that the graphical depiction of the page turning does not show an underside (i.e., the page opposite page 105 or page 104) of the page 103 being turned. Indeed, a person skilled in the art would understand based on the graphical depiction of the page turning and the corresponding description that the underside of the page (i.e., page 104) would only be shown when the page is fully turned.

Therefore, even is an analogy to a playing card in a face down position is allowed, the graphical depiction applied would mean that a surface of the table on which the card is placed is shown (i.e., comparing to page 105 in Figure 2 of Henckel) rather than the underside of the playing card as recited, for example, in claim 20.

Thus, the Applicants respectfully submit that Henckel does not teach or suggest showing the contents of an underside of a page being turned. The only part of Henckel that may arguably show an underside of a page is the embodiment illustrated in Figure 4 of Henckel. As described at column 4, lines 33-55 in Henckel, a corner of a page is lifted up displaying the page numbers of the underlying pages and a user can activate a page flip with rapidly increasing/decreasing page numbers to quickly navigate to another page once a number is decided upon. That is, only the page numbers are increased/decreased rapidly in accordance with the touches sensed (the flip up corner graphic does not change). This is in stark contrast to recitations of the pending claims in which the extent of a reveal of a card is correlated to an advancement of a continuous touch. Henckel does not teach or suggest that the graphical depiction of the page corner changes in extent. That is, Henckel does not teach or suggest partially revealing each playing card from a face down representation such that a portion of an underside of the playing card is a face down representation is revealed in an advancing manner corresponding to an advancement of the continuous touch movement as recited, for example, in independent claim 20.

The combination of Jones, Colin, and/or Henckel is no more relevant to the pending claims than any of the references alone since none of the references, alone or in combination, teach or suggest each claimed limitation. For example, none of the references teach or suggest, alone or in combination, partially revealing each playing card from a face down representation such that a portion of an underside of the playing card is a face down representation is revealed in an advancing manner corresponding to an advancement of the continuous touch movement as recited, for example, in independent claim 20. The Applicants respectfully submit that, even if permissible, the combination of references would suggest, at

best, a system which provides a graphical depiction of a card turning from a face down position to be flipped over fully and perhaps showing the surface of the table on which the card is placed.

Claim 20, upon which claims 21-35 and 40-42 depend, recites in part “a touch sensing unit associated with each player screen, wherein playing cards displayed on each player screen are adapted for graphical manipulation in response to continuous touch movements detected through the associated touch sensing unit, the manipulation comprising a three-dimensional representation so as to partially reveal the each playing cards from a face down representation such that a portion of an underside of the playing card in a face down representation is revealed in an advancing manner corresponding to an advancement of the continuous touch movements.” Similarly, claim 36 recites in part “displaying playing cards on a plurality of player screens, each player screen comprising a touch sensor unit associated therewith, and graphically manipulating the displayed cards in response to continuous touch movements detected through each touch sensor unit, the manipulation comprising a three-dimensional representation so as to partially reveal each playing card from a face down representation such that a portion of an underside of the playing card in a face down representation is revealed in an advancing manner corresponding to an advancement of the continuous touch movements.” Claim 37, upon which claims 38 and 39 depend, recites in part “graphically manipulating playing cards displayed on a touch screen in response to continuous touch movements detected through the touch screen, so as to partially reveal each playing card from a face down representation such that a portion of an underside of the playing card in a face down representation is revealed in an advancing manner corresponding to an advancement of the continuous touch movements.” None of the references, alone or in combination, teach or suggest graphically manipulating the displayed cards in response to continuous touch movements detected through each touch sensor unit, the manipulation comprising a three-dimensional representation so as to partially reveal each playing card from a face down representation such that a portion of an underside of the playing card in a face down representation is revealed in an advancing manner corresponding to an advancement of the continuous touch movements. For at

least these reasons, the Applicants respectfully request reconsideration and withdrawal of the rejection.

35 U.S.C. § 103 Rejection, Jones in view of Colin and Henckel and further in view of Sasaki

Claims 21-22 and 37-38 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Jones in view of Colin and Henckel and further in view of U.S. Patent No. 4,860,217 to Sasaki et al. (hereinafter "Sasaki"). As an initial matter, the Applicants respectfully request withdrawal of the rejection for at least the reason that claims 21 and 22 depend upon a base claim that is thought to be allowable as discussed in detail above. Additionally, the Applicants respectfully contend that Office Action does not establish a *prima facie* case of obviousness in rejecting these claims, as amended.

As described more specifically above, The combination of Jones, Colin, and/or Henckel is no more relevant to the pending claims than any of the references alone since none of the references, alone or in combination, teach or suggest each claimed limitation. For example, none of the references teach or suggest, alone or in combination, partially revealing each playing card from a face down representation such that a portion of an underside of the playing card is a face down representation is revealed in an advancing manner corresponding to an advancement of the continuous touch movement as recited in the independent claims.

Sasaki is directed to "effecting a transformation of video image on a video screen applicable to a system for producing a special visual effect on, e.g., a television screen." (Abstract) However, Sasaki also fails to teach or suggest, alone or in combination with Jones, Colin, and/or Henckel, partially revealing each playing card from a face down representation such that a portion of an underside of the playing card is a face down representation is revealed in an advancing manner corresponding to an advancement of the continuous touch movement as recited in the independent claims. Rather, Sasaki describes that when a center axis of a cylindrical image is translated in parallel to a direction in which one page of a book is turned, a

diameter of the cylindrical image is increased according to an increase in distance of the parallel translation of the cylindrical image, in order to continually map the image onto the cylindrical image. (See for example, col. 4, line 26-31 of Sasaki)

Furthermore, Sasaki fails to teach or suggest, alone or in combination with Jones, Colin, and/or Henckel, further recitations of the dependent claims. For example, none of the references teach or suggest, alone or in combination, any form of trigger let alone the trigger margin as recited in claims 21. Subsequently, there is no teaching or suggestion of any trigger that can activate a generation of an elongated member. Further, the Applicants respectfully submit the references do not teach or suggest when a portion of the playing card mapped onto the imaginary elongated member has reached a highest point of the imaginary elongated member during partially revealing of the playing card in the advancing manner, the portion of the playing card further advances in the direction of the continuous touch movements without mapping onto the imaginary elongated member as recited, for example, in claim 21.

35 U.S.C. § 103 Rejection, Jones in view of Colin and Henckel and further in view of Rose

Claims 25-27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Jones in view of Colin and Henckel and further in view of U.S. Patent No. _____ to Rose (hereinafter "Rose"). The Applicants respectfully request withdrawal of the rejection and allowance of the claims for at least the reason that claims 25-27 each depend upon a base claim that is thought to be allowable as discussed in detail above.

35 U.S.C. § 103 Rejection, Jones in view of Colin and Henckel and further in view of Nakamura

Claims 28-29 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Jones in view of Colin and Henckel and further in view of U.S. Patent Pub. No. 2005/164789 of Nakamura et al. (hereinafter "Nakamura"). The Applicants respectfully request

withdrawal of the rejection and allowance of the claims for at least the reason that claims 28-29 each depend upon a base claim that is thought to be allowable as discussed in detail above.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

/William J. Daley/
William J. Daley
Reg. No. 52,471

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300

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